

3. REGULATIONS

A. Vessel Identification System (CG)

On March 20, 2001, (66 FR 15625), the Coast Guard (CG), U.S. Department of Transportation, published a final rule (33 CFR part 187) that amends its regulations on the voluntary Vessel Identification System (VIS). These amendments concern the requirements for states electing to participate in the VIS. The changes improve the integrity and uniformity of the system and reflect recent statutory changes.

The VIS is a nationwide system for collecting information on vessels and vessel owners and other information that will assist law enforcement officials in their investigations of stolen vessels or other crimes, such as fraud. It benefits consumers, lenders, insurers, the marine industry, and national boating organizations by increasing the probability of recovering stolen vessels and by decreasing the probability of a person unknowingly purchasing a vessel that is stolen or that has a lien or other claim against it. In turn, the VIS should decrease the probability of theft.

For further information, contact LCdr. Nancy Goodridge, Office of Information Resources (G-MRI), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0254, electronic mail: ngoodridge@comdt.uscg.mil).

B. Hazardous Air Pollutants from Mobile Sources (EPA)

On March 29, 2001, (66 FR 17230), the U.S. Environmental Protection Agency (EPA) issued a final rule (40 CFR Parts 80 and 86) that addresses emissions of hazardous air pollutants (HAPs) from motor vehicles and their fuels. HAPs refer to a range of compounds that are known or suspected to have serious health or environmental impacts. Motor vehicles are significant contributors to national emissions of several hazardous air pollutants, notably benzene, formaldehyde, 1,3-butadiene, acetaldehyde, and diesel particulate matter and diesel exhaust organic gases.

In this action, EPA lists 21 compounds emitted from motor vehicles that are known or suspected to cause cancer or other serious health effects. EPA's Mobile Source Air Toxics (MSAT) list includes various volatile organic compounds (VOCs) and metals, as well as diesel particulate matter and diesel exhaust organic gases. EPA also examines the mobile source contribution to national inventories of these emissions and the impacts of existing and newly promulgated mobile source control programs, including the reformulated gasoline program, the national low emission vehicle standards, the Tier 2 motor vehicle emissions standards and gasoline sulfur control requirements, and the proposed heavy-duty engine and vehicle standards and on-highway diesel fuel sulfur control requirements. Between 1990 and 2020, EPA projects that these programs will reduce on-highway emissions of benzene, formaldehyde, 1,3-butadiene, and acetaldehyde by 67 to 76 percent, and will reduce on-highway diesel particulate matter emissions by 90 percent.

This action also finalizes new gasoline toxic emission baseline requirements that require refiners to maintain current levels of over-compliance with toxic emissions performance standards that apply to federal reformulated gasoline, and anti-dumping standards that apply to conventional gasoline. In addition, because of EPA's continuing concern about the potential health impacts of public exposure to air toxics, this action also describes a Technical Analysis Plan through which EPA will continue to improve its understanding of the risk posed by air toxics to public health and welfare.

For further information, contact Ms. Margaret Borushko, National Vehicle and Fuels Emission Laboratory, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105, (telephone: (734) 214-4334, electronic mail: borushko.margaret@epa.gov).

C. Return of PCB Waste (EPA)

On March 30, 2001, (66 FR 17468), the U.S. Environmental Protection Agency (EPA) published a final rule (40 CFR part 761) that amends its regulations in order to clarify that PCB waste in U.S. territories and possessions outside the customs territory of the United States may be moved to the customs territory of the United States for proper disposal. This rule interprets the prohibition on the manufacture of PCBs at section 6(e) of the Toxic Substances Control Act (TSCA) to allow the movement of most PCB waste among any states of the United States for the purpose of disposal because such movement is not considered "import" for the purposes of the definition of "manufacture" as that term is used in TSCA section 6(e)(3). This interpretation will allow U.S. territories and possessions which fall outside of the definition of "customs territory of the United States" to dispose of their PCB waste in the mainland of the United States where facilities are available that can properly dispose of PCB waste. This rule will ensure that a safe and viable mechanism exists for the protection of health and the environment for those citizens in areas of the United States where facilities are not available for the proper management and disposal of PCB waste. Because disposal of these wastes may occur only at approved facilities, no unreasonable risks to health or the environment on the mainland United States should be created by this rule.

For further information, contact Ms. Peggy Reynolds, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (telephone: (202) 260-3965, electronic mail: reynolds.peggy@epa.gov).

D. Gasoline Sulfur Regulations (EPA)

On April 13, 2001, (66 FR 19296), the U.S. Environmental Protection Agency (EPA) issued a direct final rule (40 CFR parts 80 and 86) that corrects, amends, and revises certain provisions of the Tier 2/Gasoline Sulfur regulations in order to assist regulated entities with program implementation and compliance. First, it makes minor corrections to clarify the regulations governing compliance with the gasoline sulfur standards. Second, with respect to the low sulfur gasoline program, it revises the boundaries of the Geographic Phase-in Area (GPA) to include counties and tribal lands in states adjacent to the eight original GPA states. The intention of this

amendment is to ensure a smooth transition to low sulfur gasoline nationwide and to mitigate the potential for gasoline supply shortages. Third, it amends certain provisions of the small refiner and the averaging, banking, and trading (ABT) programs to assist domestic and foreign refiners and importers in establishing gasoline sulfur baselines for credit and allotment generation purposes. Fourth, it revises certain sampling and testing provisions for low sulfur gasoline to enable certain refiners to generate early credits and/or allotments under the ABT program. Finally, this action makes minor revisions to the regulations governing compliance with the vehicle standards.

For further information, contact Ms. Mary Manners, National Vehicle and Fuels Emission Laboratory, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105, (telephone: (734) 214-4873, electronic mail: manners.mary@epa.gov).

E. Discharge of Sewage and Graywater by Cruise Vessels (CG)

On April 25, 2001, (66 FR 20770), the Coast Guard (CG), U.S. Department of Transportation, promulgated a proposed rule (33 CFR part 159) regarding regulations for sewage and graywater discharges from certain cruise vessels transiting applicable waters of Alaska. Operators of cruise vessels carrying 500 or more passengers and transiting applicable waters of Alaska are restricted in where they may discharge effluents and would be required to perform testing of sewage and graywater discharges and maintain records of such discharges. The Coast Guard would inspect, monitor, and oversee this process to ensure compliance with applicable water quality laws and regulations.

For further information, contact LCdr. Spencer Wood, 17th District, U.S. Coast Guard, P.O. Box 25517, Juneau, AK 99802-5517, (telephone: (907) 463-2809).

F. Licensing and Manning for Officers of Towing Vessels (CG)

On April 26, 2001, (66 FR 20931), the Coast Guard (CG), U.S. Department of Transportation, issued an interim rule (46 CFR parts 10 and 15) that amends the interim rule of November 19, 1999, on licensing and manning for officers. This amendment is necessary to clarify confusion caused and lessen the burdens imposed by that rule. The Coast Guard intends this amendment to facilitate obtaining the appropriate licenses under the rule.

There are around 5,400 documented towing vessels in the United States. This interim rule will ensure that all those officers currently operating such vessels maintain their authority after the new requirements for licensing and manning become effective on May 21, 2001. This rule accomplishes administrative changes that result in the gradual, continuous implementation of the rules on licensing and manning for officers on towing vessels.

For further information, contact LCdr. Luke Harden, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-1838).

G. Transportation Workplace Drug and Alcohol Testing (FAA, CG, RSPA, FRA, FMCSA, and FTA)

In a rule published on December 19, 2000, the U.S. Department of Transportation (DOT) promulgated a comprehensive revision to its drug and alcohol testing procedural rules (49 CFR part 40). The new part 40 makes numerous changes in the way that drug and alcohol testing will be conducted in the future. While some provisions of the new regulations will be made effective more quickly, the entire revised part 40 is scheduled to go into effect on August 1, 2001. Part 40 is one element of a DOT-wide set of regulations designed to deter and detect the use of illegal drugs and the misuse of alcohol by employees performing safety-sensitive transportation functions. It is important that the six DOT agency rules that cover specific transportation industries be consistent with the revised part 40, to avoid duplication, conflict, or confusion among DOT regulatory requirements.

Therefore, on April 30, 2001, (66 FR 21492), the Federal Aviation Administration (FAA), Coast Guard (CG), Research and Special Programs Administration (RSPA), Federal Railroad Administration (FRA), Federal Motor Carrier Safety Administration (FMCSA), and Federal Transit Administration (FTA) proposed amendments to each of the six DOT agency drug and alcohol testing regulations connected to 49 CFR part 40. It is intended to issue final versions of these “conforming amendments” in time to be effective on August 1, 2001, the same date that the revised part 40 takes effect.

For further information on the Coast Guard proposed rule, contact Lt. Jennifer Ledbetter, Office of Investigations and Analysis (G-MOA), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0684).